

sheriff and may distrain or execute for the same in the same manner as if his commission had not expired.

An. Code, 1924, sec. 36. 1912, sec. 37. 1904, sec. 37. 1888, sec. 36. 1824, ch. 202, secs. 2-4. 1840, ch. 216, sec. 4. 1842, ch. 272, sec. 3.

**36.** If any sheriff die, his administrator may collect all fees placed in the hands of such sheriff for collection, in the same manner and by the same means as said sheriff might have done in his lifetime; provided, the power to execute or distrain for such fees shall not extend beyond two years after the date of his letters, and such fees shall be applied to the payment of officers' fees due from the sheriff and not applied to any other purpose until such officers' fees are paid.

An. Code, 1924, sec. 37. 1912, sec. 38. 1904, sec. 38. 1888, sec. 37. 1715, ch. 46, sec. 6.

**37.** No sheriff shall levy a distress or execution for officers' fees if the person from whom such fees are claimed shall produce the former sheriff's receipt or otherwise make it appear that the said fees have been paid, under a penalty of fifty dollars for each offense.

### Fines and Penalties.

An. Code, 1924, sec. 38. 1912, sec. 39. 1904, sec. 39. 1888, sec. 38. 1795, ch. 74, sec. 7.

**38.** The sheriff shall be answerable for all fines, penalties and forfeitures imposed on the inhabitants of his county or of Baltimore City by any court of record of this State unless he can show that the party on whom the same was imposed is insolvent.

This section referred to in construing art. 38, secs. 2 and 3. *Baltimore v. Deegan*, 163 Md. 235.

This section referred to in construing sec. 40—see notes thereto. *Backus v. State*, 118 Md. 539.

Cited but not construed in *Levy Court v. Ringgold*, 5 Pet. 451.

See notes to sec. 40, and to art. 15, sec. 1, Md. Constitution.

An. Code, 1924, sec. 39. 1912, sec. 39A. 1912, ch. 418.

**39.** The Sheriff of Baltimore City shall pay over to the State of Maryland all fines, fees and forfeitures collected by him in those cases in which he is denominated the informer or is denominated in any other manner whatsoever, and shall render an accounting thereof to the State of Maryland, and shall pay over the same at all times on the demand of the Comptroller.

Provided, that this section shall in no manner affect, determine or annul any proceeding at law or in equity now brought, pending or to be brought in the future by the State of Maryland against any sheriffs or former sheriffs of Baltimore City in which the cause of action or dispute or matter in issue involves or relates to the accounting of sheriffs or former sheriffs of Baltimore City who may be such prior to the taking effect of this act to the State of Maryland for fees due or alleged to be due by them to the State and received by them prior to the taking effect of this section.

An. Code, 1924, sec. 40. 1912, sec. 40. 1904, sec. 40. 1888, sec. 39. 1795, ch. 74, sec. 2. 1828, ch. 11, sec. 1.

**40.** He may require the state's attorney to issue an execution for all fines, penalties or forfeitures so imposed and the costs; provided that any person adjudged to pay a fine or penalty may enter into a recognizance